

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

L.B. and M.B., on behalf of their minor child A.B., and on behalf of similarly situated others; L.B.; M.B., C.M. and A.H., on behalf of their minor child J.M., and on behalf of similarly situated others; C.M.; and A.H.,

Plaintiffs,

V.

PREMERA BLUE CROSS.

Defendant.

NO. 2:23-cv-00953-TSZ

[PROPOSED] STIPULATED JUDGMENT

The following issues have been considered and a decision rendered as described in Dkt. No. 169. Specifically, the Court CONCLUDES that Defendant Premera Blue Cross (“Premera”)’s Medical Policy – 7.01.557 violates Section 1557 of the Affordable Care Act (“ACA”), 42 U.S.C. § 18116, by facially discriminating on the basis of sex, and GRANTS summary judgment in favor of Plaintiffs as to Count I of their Second Amended Complaint [Dkt. 34], entitling Plaintiffs to declaratory relief. The Court further CONCLUDES that Plaintiffs failed to comply with the exhaustion requirements of the Age Discrimination Act, 42 U.S.C. §§ 6101, *et seq.*, and GRANTS in part and DENIES in part Premera’s Cross-Motion for Summary Judgment as to Count II of Plaintiffs’ Second Amended Complaint. Count II of Plaintiffs’ Second Amended Complaint is

[PROPOSED] STIPULATED JUDGMENT – 1
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1 hereby DISMISSED with prejudice. The Court also denied Plaintiffs' Motion for Class
 2 Certification. Dkt. 169.

3 Accordingly, the Court enters declaratory judgment in favor of Plaintiffs, on an individual
 4 basis, for their claim for a violation of Section 1557 of the ACA based on facial sex discrimination
 5 and hereby DECREES AND ADJUDGES that "Premera's Medical Policy – 7.01.557 violates
 6 ACA § 1557 by facially discriminating on the basis of sex." Dkt. 169 at 31.

7 Additionally, considering the parties' wishes to forgo trial on the remaining issues and joint
 8 stipulation, the Court further DECREES AND ADJUGES:

9 Plaintiffs L.B. and M.B., on behalf of their minor child A.B., are entitled to payment by
 10 Premera of \$25,750 for their out-of-pocket expenses and \$1 in nominal damages each in relation
 11 to A.B.'s claims for discrimination on the basis of sex under Section 1557 of the ACA.

12 Plaintiffs C.M. and A.H., on behalf of their minor child J.M., are entitled to payment by
 13 Premera of \$1 in nominal damages each in relation to J.M.'s claims for discrimination on the basis
 14 of sex under Section 1557 of the ACA.

15 The parties agree to defer any determination of whether Plaintiffs are entitled to payment
 16 by Premera of their attorneys' fees and litigation costs pursuant to 42 U.S.C. § 1988 until a final
 17 adjudication of any appeal of this judgment. Should no appeal be taken, the parties will propose a
 18 briefing schedule on this issue within 45 days of the filing of this Order.

19 This stipulation is without waiver of any party's right to appeal any issue in this case,
 20 including but not limited to any or all parts of the Court's decision in Dkt. No. 169.

21 DATED: _____, 2025.
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24 THOMAS S. ZILLY
 United States District Judge
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[PROPOSED] STIPULATED JUDGMENT – 3
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